

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the February 22, 2006
Board of Review Meeting

Date: February 24, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, February 22, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, March 1, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Roll Call: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Serico, Member
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the, meeting were approved, except that in docket number 89, 777, Mr. Serico did not agree with the majority of the Board.

3. Old Business

(a) 73, 745

This case was previously discussed and involved a claimant who accepted an incentive package to retire. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a). Mr. Sieber held a hearing to obtain additional testimony. After discussion, the Board noted there was no evidence the claimant was going to be laid off. As a result, the Board voted to reverse the Appeal Tribunal. Mr. Sieber will prepare the decision.

4. New Business

(a) 95, 790

Mr. Gitter presented this case that involved a claimant who was unable to work as of August 25, 2005. The claimant last worked in the State of New York on the same day. The Appeal Tribunal had held a claim for State Plan disability benefits, filed as of August 21, 2005, valid. The Board noted that the record did not support the decision and decided to hold a hearing to obtain additional testimony. Mr. Serico will conduct the hearing.

(b) 95, 755

Mr. Gitter described this case that involved a claimant who voluntarily left work. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board noted that the claimant's reason for leaving did not give him good cause attributable to the work for leaving. As a result, the Board voted to reverse the Appeal Tribunal. Mr. Gitter will prepare the decision.

(c) 95, 689

As presented by Ms. Keller, this case involved a claimant who was held entitled to unemployment benefit with a weekly benefit rate of \$269.00 and a maximum benefit amount of \$6,994.00. The Appeal Tribunal held the claim valid with a weekly benefit rate of \$283.00 and a maximum benefit amount of \$7,378.00. After discussion, the Board voted to affirm the Appeal Tribunal.

(d) 93, 181

Mr. Morley presented this case of a claimant who left work voluntarily. The Appeal Tribunal had held the claimant not disqualified under N.J.S.A. 43:21-5(a). The matter was tabled for further review by Ms. Calderone.

(e) 83, 542

Ms. Barnwell described this case that involved a claimant who was employed by a temporary help service and did not immediately contact the service when her last assignment ended. There was no written agreement. The claimant was offered and declined work on May 31, 2005 and contacted the employer on June 17, 2005. The Appeal Tribunal had held the claimant ineligible for benefits from May 15, 2005 under N.J.S.A. 43:21-4(c). The Board noted that the claimant contacted the employer prior to the date of claim, June 26, 2005, and any disqualification which could be imposed under N.J.S.A. 43-21-5(c) elapsed prior to the date of claim. Also, the claimant's period of unavailability ended when she contacted the employer on June 17, 2005.

As a result, the Board voted to modify the decision of the Appeal Tribunal. Ms. Barnwell will prepare the decision.

5. Public Portion

Mr. Hugh O'Hare, Chief Appeal Examiner and Mr. Michael Marich, Supervising Investigator noted that many claimants were contacting the Department about refunds regarding the Verizon management appeal. After discussion, the Board voted to include all involved management claimants in the mass appeal

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary

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